

PRÖB 12A *
(7/93)

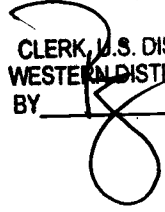
UNITED STATES DISTRICT COURT

FILED

for

WESTERN DISTRICT OF TEXAS

MAY 12 2016

CLERK, U.S. DISTRICT CLERK
WESTERN DISTRICT OF TEXAS
BY  CLERK

Report on Offender Under Supervision

XR

Name of Offender: Richard Garcia Case Number: SA-16-CR-0312

Name of Sentencing Judicial Officer: Honorable Tom Stagg, Senior United States District Judge

Date of Original Sentence: January 13, 2010

Original Offense: Count One: Conspiracy to possess with intent to distribute a quantity in excess of 100 kilograms of marijuana, a Schedule I controlled substance, in violation 21 U.S.C. §§ 841(a)(1), 841(b)(1)(B) and 21 U.S.C. § 846
Count Two: Possession with intent to distribute a quantity in excess of 100 kilograms of marijuana, a Schedule I controlled substance, in violation 21 U.S.C. §§ 841(a)(1), 841(b)(1)(B) and 18 U.S.C. § 2

Original Sentence: Imprisonment: One hundred and ten (110) months as to each Counts One and Two to run concurrent, followed by a five (5) year term of supervised release as to each Counts One and Two to run concurrent; \$200 special assessment

Type of Supervision: Supervised Release Date Supervision Commenced: February 24, 2016

PREVIOUS COURT ACTION

On December 10, 2014, the Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2) was ordered, granting the imprisonment reduction from 110 months to 92 months.

On May 2, 2016, jurisdiction was transferred from the Southern District of Texas, Laredo Division to the Western District of Texas, San Antonio Division.

NONCOMPLIANCE SUMMARY

The offender has not complied with the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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- | | |
|----|--|
| 1. | The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or paraphernalia related to any controlled substances, except as prescribed by a physician. |
|----|--|

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On April 19, 2016, the offender admitted to using "Ice" the week before.

2. **The defendant shall participate in a program, inpatient or outpatient, for the treatment of drug and/or alcohol addiction, dependency or abuse which may include, but not be limited to urine, breath, saliva and skin testing to determine whether the defendant has reverted to the use of drugs and/or alcohol. Further, the defendant shall participate as instructed and as deemed necessary by the probation officer and shall comply with all rules and regulations of the treatment agency until discharged by the Program Director with the approval of the probation officer. The defendant shall further submit to drug-detection techniques, in addition to those performed by the treatment agency, as directed by the probation officer. The defendant will incur costs associated with such drug/alcohol detection and treatment based on ability to pay as determined by the probation officer.**

On April 7, 2016 and February 26, 2016, the offender failed to submit to a urinalysis.

3. **The defendant is required to participate in a mental health program. The defendant will incur costs associated with such program, based on ability to pay as determined by the probation officer.**

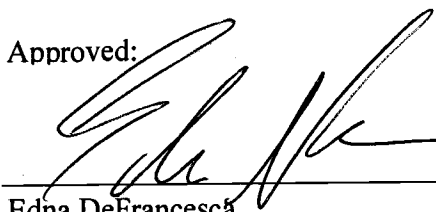
On April 21, 2016, the offender failed to show up to a co-occurring treatment group session at the Center for Health Care Services.

U.S. Probation Officer Action:

The offender commenced supervised release on February 24, 2016. He has a substance abuse history consisting of alcohol, marijuana, and cocaine abuse with his last use of alcohol and cocaine at the time of his arrest for the instant offense. The offender was first diagnosed with Bipolar Disorder in 1984 and is currently prescribed lithium to treat his mental health condition. He has been referred to a co-occurring treatment program and to psychiatrist services with Southwest General Hospital. The offender is currently not working due to an injury. He is scheduled to have surgery this month. Therefore, it is respectfully recommended no action be taken at this time to allow the offender an opportunity to participate in treatment.

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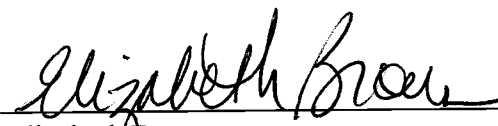
Approved:


Edna DeFrancesca
Supervising U.S. Probation Officer
Telephone: (210) 472-6590, Ext. 5336

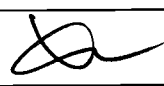
cc: Erica Giese
Assistant Chief U.S. Attorney

Marc S. Martinez
Assistant Deputy Chief U.S. Probation Officer

Respectfully submitted,


Elizabeth Brown
Senior U.S. Probation Officer
Telephone: (210) 472-6590, Ext. 5319
Date: May 3, 2016

- ☒ Approved as submitted.
☐ Submit a Request for Modifying the Condition or Term of Supervision
☐ Submit a Request for Warrant or Summons
☐ Other _____


Honorable
XAVIER RODRIGUEZ, U.S. DISTRICT JUDGE

MAY 12 2016

Date